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REMARKS

Claim 1 has been amended by reciting structural aspects of the burner tube as the Examiner has suggested. Claims 1-8 remain in this application and stand for examination. Reconsideration and reexamination are requested in view of the foregoing amendments and the comments made hereinafter.

Rejection of claims 1-8 for obviousness

The Examiner rejects claims 1-8 under 35 U.S.C. 103(a) as being unpatentable over Nutten et al United States Patent 3,428,406 in view of Reichhelm United States Patent 3,361,183 and Bennett United States Patent 4,061,463.

Nutten et al do not teach an infrared burner as defined by the claims. Neither does Reichhelm teach an infrared burner. And while Bennett teaches a definition of an infrared burner as a type of burner, Bennett's definition covers only a type of infrared burner where the fuel and air are premixed. At col. 1, lines 18-22, Bennett defines the infrared burner he is contemplating thusly:

"The second category is the premix type of system in which a combustible mixture of air or other oxidizing gas is mixed with the fuel before reaching the burner and this mixture is pressurized and discharged from the burner where it ignites. Burners such as infrared burners are within the last category, as is the present invention." (emphasis added)

Applicant's infrared burner uses liquid fuel and air and it is not a premix system. The liquid fuel and air are not mixed before they reach the burner. They are mixed within the burner and not before it. Accordingly, Bennett does not recognize that there are infrared burners of the type

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described and claimed by the applicant so Bennett is not a helpful reference. And this difference is well recognized in claim 1 under present consideration where it is stated that "...said liquid fuel [is]...introduced to said air aspirated nozzle in liquid form" and further, that the infrared burner includes a perforated outer surface within which combustion of the fuel and air takes place.

The infrared burner of the present application has been defined within the body of the claim in accordance with the suggestions of the Examiner. None of the references teach or suggest such an infrared burner and Bennett's definition specifically excludes an infrared burner in accordance with the infrared burner now defined by the claims under consideration.

Reconsideration and withdrawal of the rejections and objections is requested and allowance of claims 1-8 is earnestly solicited.

Respectfully submitted,

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Per: _____

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